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FROM : Oleg F. Kaplun, Esq. of Fay Kaplun & Marcin, LLP

DATE : November _5_, 2007

SUBJECT : U.S. Patent Appln. Serial No. 09/663,069
for *Electronic Shopping Service*
Inventor(s): Varatharajah
Our Ref.: 40116/05701

NUMBER OF PAGES INCLUDING COVER : 22

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Attorney Docket No. 40116/05701(A-69227)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)   :   Varatharajah

Serial No.   :   09/663,069

Filed   :   September 15, 2000

For   :   Electronic Shopping Service

Group Art Unit   :   3625

Confirmation No.   :   3198

Examiner   :   Yogesh C. Garg

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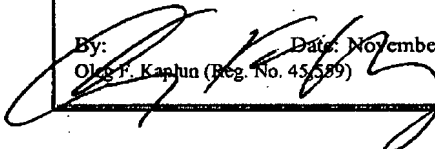**CENTRAL FAX CENTER**

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Respectfully submitted,

Dated: November 5, 2007

By: _____
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Attorney Docket No. 40116/05701(A-69227)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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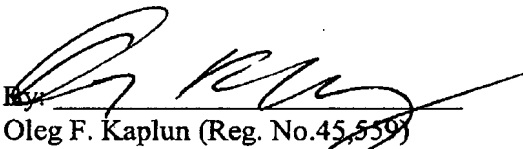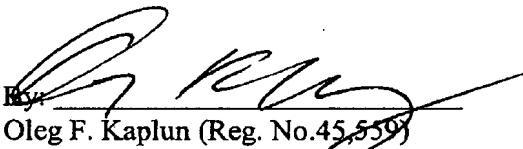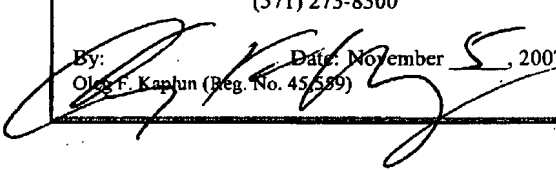Alexandria, VA 2213-1450
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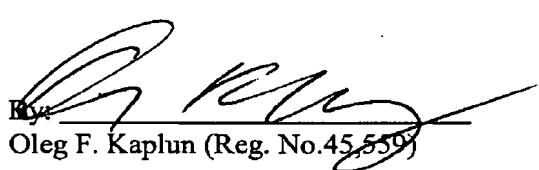
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Respectfully submitted,

Dated: November _5_, 2007

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PATENT
Attorney Docket No.: 40116 - 05701

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	)	
	)	
Varatharajah	)	
	)	
Serial No.: 09/663,069	)	Group Art Unit: 3625
	)	
Filed: September 15, 2000	)	Examiner: Yogesh C. Garg
	)	
For: Electronic Shopping Service	)	**Board of Patent Appeals and**
	)	**Interferences**
Confirmation: 3198	)	

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

In support of the Notice of Appeal filed September 5, 2007, and pursuant to 37 C.F.R. § 41.37, Appellant presents this appeal brief in the above-captioned application.

This is an appeal to the Board of Patent Appeals and Interferences from the Examiner's final rejection of claims 1, 2, 5-10 and 12-19, in the Final Office Action dated June 7, 2007 as clarified in the Advisory Action dated August 22, 2007. The appealed claims are set forth in the attached Claims Appendix.

1.   Real Party in Interest

This application is assigned to Symbol Technologies, Inc., the real party in interest.

2.   Related Appeals and Interferences

There are no other appeals or interferences which would directly affect, be directly affected by, or have a bearing on the instant appeal.

3.   Status of the Claims

Claims 1, 2, 5-10 and 12-19 stand rejected in the Final Office Action. Claims 3, 4 and 11 have been cancelled. Therefore, the final rejection of claims 1, 2, 5-10 and 12-19 is being appealed.

4.   Status of Amendments

All amendments submitted by the Appellant have been entered. No amendments were filed subsequent to the final rejection.

5.   Summary of Claimed Subject Matter

The present invention describes, in one aspect, as recited in claim 1, a method for manipulating receipt data. A consumer is able to purchase a product via a website of an e-merchant 120. *Specification*, p. 8, ll. 1-8. After the purchase, the e-merchant is able to forward a record of the purchase (e.g., an electronic receipt/transaction record) to an electronic-records service 140. *Id.* at p. 10, ll. 25-31; *see also* Fig. 3. After a time subsequent to the purchase and from a remote location, the consumer may view the electronic receipt data in detail, select one or more line items therefrom and create a review list. *Id.* at p. 11, ll. 1-5. The consumer may associate a review group of one or more shopping service provider 150 identities with the review list, thus providing permission to these groups to review the list. *Id.* at p. 11, ll. 6-11.

In another aspect, as recited in claim 9, the present invention describes a method for purchasing goods, including services, from multiple merchants. *See* Figs. 4A, 4B, 5A and 5B. A consumer may navigate to the website of a first e-merchant 120a to peruse goods and select one or more for purchase, step 420. *Id.* at p. 8, ll. 1-2. The consumer has the option of continuing to·

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shop at e-merchant 120a, step 520, proceeding to checkout, step 540, or continuing to shop at another e-merchant 120b, and paying for goods selected at both e-merchant 120a and e-merchant 120b at the site of e-merchant 120b, steps 5D0-5H0. *See Id.* at pp. 8 and 9; *see also* Figs. 6A, 6B, 7A and 7B. E-merchant 120b may offer the consumer the same options. *Id.* at p. 10, ll. 2-8. Upon learning that a shopping service provider 150 holds information regarding goods selected from e-merchant 120a, the consumer is transferred to shopping service provider 150 to complete the purchase of the first and second goods. *Id.* at p. 10, ll. 9-22. After the purchase, the e-merchant 120 is able to forward a record of the purchase (e.g., an electronic receipt/transaction record) to an electronic-records service 140. *Id.* at p. 10, ll. 25-31; *see also* Fig. 3. After a time subsequent to the purchase and from a remote location, the consumer may view the electronic receipt data in detail, select one or more line items therefrom and create a review list. *Id.* at p. 11, ll. 1-5. The consumer may associate a review group of one or more shopping service provider 150 identities with the review list, thus providing permission to these groups to review the list. *Id.* at p. 11, ll. 6-11.

In another aspect, as recited in claim 16, the present invention describes a system 100 for manipulating receipt data. The system 100 comprises an e-merchant 120 communicatively interconnected via a communications link 180 to a data farm 140, a shopping-service provider (SSP) 150, and a personal computer 190. *Id.* at p. 5, ll. 1-19; *see* Fig. 1. A consumer at a personal computer 190 may transact business at an e-merchant 120, thereby creating a record of that transaction, which may be stored in data farm 140. *Id.* at p. 5, ll. 19-26. An SSP 150 cooperates to retrieve consumer transaction records from data farm 140 and enable the consumer to select line items from those transaction records, thereby creating a review list, which may be stored in data farm 140 after the selection has been made. *Id.* at p. 5, l. 30 - p. 6, l. 7. The user, via the SSP, may identify others who may access this review list. *Id.* at p. 6, ll. 7-8.

The present invention describes, in another aspect as recited in claim 18, a computer program product comprising a program module that includes a set of instructions for a processor. A consumer may direct the SSP 150 to retrieve an electronic receipt from a prior purchase in order to select line items from the receipt in order to form a list to be stored in a data farm 140 after selection. *Id.* at p. 10, l. 25 - p. 11, l. 5; *see* Figs. 2 and 3. The SSP also allows the

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Group Art Unit: 3625
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consumer to associate a review group of one or more SSP user identities with the review list such that those associated with the identities will have the consumer's permission to access the review list, via a remote computing device. *Id.* at p. 11, ll. 6-11.

6. <u>Grounds of Rejection to be Reviewed on Appeal</u>

I.　　Whether claims 1, 2, 5, 7-10, 12 and 14-19 are unpatentable under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,490,602 to Kraemer (hereinafter "Kraemer") and further in view of U.S. Patent No. 6,327,576 to Ogasawara (hereinafter "Ogasawara").

II.　　Whether claim 6 is unpatentable under 35 U.S.C. § 103(a) as obvious over Kraemer in view of Ogasawara and further in view of U.S. Patent No. 6,963,848 to Brinkerhoff (hereinafter "Brinkerhoff").

III.　　Whether claim 13 is unpatentable under 35 U.S.C. § 103(a) as obvious over Kraemer in view of Ogasawara and in further view of the article "End-to-End Enterprise Solution: Extending the Reach of Retail Stores Through Point-of-Sales Web Technology" (hereinafter "the Article").

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7.   <u>Argument</u>

    I.   The Rejection of Claims 1, 2, 5, 7-10, 12 and 14-19 Under 35
             U.S.C. § 103(a) as Obvious Over Kraemer and Further in View of
             <u>Ogasawara Should be Reversed</u>

            A.   <u>The Examiner's Rejection</u>

In the Final Office Action, claims 1, 2, 5, 7-10, 12 and 14-19 were rejected under 35 U.S.C. § 103(a) as obvious over Kraemer and further in view of Ogasawa. *6/7/07 Office Action,* p. 3. The Examiner stated that Kraemer discloses the invention substantially as claimed, except for a receipt data. *Id.* The Examiner cites Ogasawara to cure this deficiency. *Id.*

            B.   The References Do Not Disclose Receiving a User
                   Selection of a First Line Item From an Electronic
                   Receipt and Receiving a User Authorization for
                   Group of People to Remotely View the List, as
                   <u>Recited In Independent Claims 1, 9, 16 and 18</u>

Claim 1 recites a method for manipulating receipt data, the method comprising *"receiving, on a user computing device, a user selection of a first line item from a first electronic receipt stored on a remotely located data farm, thereby forming an electronic list, wherein the first electronic receipt includes a record of a first purchase transaction*; transmitting the selection to the data farm; storing the list on the data farm after the selection is made" and *"receiving a user authorization for a group of people to remotely review the list, the reviewing performed using at least one remote computing device."*

Kraemer describes a method for providing a unified toolbar across product webpages of multiple, independent retailers. *Kraemer,* Abstract. A purchase request by a user is made via the toolbar which is inserted into a source code of the webpage. *Id.* at col. 3, lines 64 - 67. An enhanced functionality server fills out purchase forms (i.e., name, credit card, shipping address, etc.) after the user has indicated that he wishes to purchase a product by using the "purchase this product" service on the toolbar. *Id.* at col. 3, lines 12 - 22. Alternatively, other users may view the product selected by the user and purchase the product for the user themselves. *Id.* at col. 5,

- 5 -

line 40 - col. 6, line 67.

Ogasawara describes a system by which information concerning shelf-life
limitations of products is made available to a purchaser electronically. *Ogasawara*, Abstract.
The information is stored on an electronic receipt used to generate and maintain an inventory
control system on a home terminal. *Id.* at col. 3, lines 4 - 10. The receipt is provided on an IC
card or stored on a web server. *Id.* at col. 4, lines 47 - 53. The terminal obtains the information
directly from the IC card, or from the web server using the customer's name and ID, store name
and shopping date and time. *Id.* at col. 11, lines 39 - 61. To maintain a stock record of items, the
terminal can automatically identify items by their RFID labels. *Id.* If the items use bar code
labels, the customer must press an "IN" key to initiate download of the information. *Id.* Once
the list is created, the customer reviews the list by pressing a "LIST" key. *Id.* at col. 12, lines 45 -
46.

In the Final Office Action, the Examiner contends that although Kramer does not
explicitly show using an electronic receipt, Kramer does disclose using electronic documents
such as product web pages based on past record of the gift and that it would be obvious to one of
ordinary skill in the art to modify Kraemer with the receipt data of Ogasawara in order to
enhance Kraemer's system of using past records. *7/7/07 Office Action*, pp. 4-5. However, it is
respectfully submitted that Kraemer does not disclose using electronic documents such as
product webpages based on past records as suggested by the Examiner. Rather, Kraemer only
teaches preparing a suggested list of retailers in response to a user's previous selections. *See
Kraemer*, col. 5, ll. 28-30. This list may include other preferred or suggested retailers that are not
a result of prior selections. *Id.* Choosing any one of these links would not enable the user to
select a first line item. The user would have to browse the links or request their own product
webpage in order to make a selection. *Id.* at col. 5, ll. 33-38. In the Advisory Action, the
Examiner asserts that Kraemer does teach allowing gift recipients to select and register gifts and
not only retailers. *8/22/07 Advisory Action*, p. 2. It is respectfully submitted that Kraemer does
teach storing gift selections, but the gift selections are not stored from line item selections of
prior transactions to create an electronic review list. Rather, the entire gift registry is already
available for review by any person who wishes to purchase a gift for the user. *Kraemer* at col. 6,

- 6 -

ll. 44-47. Thus, it is respectfully submitted that the electronic documents of Kraemer would not permit a user to select line items therefrom to create an electronic review list from prior purchase or product transactions.

Accordingly, it is respectfully submitted that it would not have been obvious to one of ordinary skill in the art to modify the system of Kraemer with the electronic receipt data of Ogasawara since Kramer does not teach electronic documents such as product webpages based on prior transactions. As the Examiner concedes that Kraemer does not disclose an electronic receipt, it is respectfully submitted that Kraemer does not teach or suggest *"receiving, on a user computing device, a user selection of a first line item from a first electronic receipt stored on a remotely located data farm, thereby forming an electronic list, wherein the first electronic receipt includes a record of a first purchase transaction,"* as recited in claim 1.

Even if the system of Kraemer was combined with the electronic receipt of Ogaswara, it is respectfully submitted that Ogasawara would not cure the deficiencies of Kraemer.

Specifically, in the Final Office Action, the Examiner asserts that since the gift givers have to provide authentication to access this electronic list of gifts, it implies that they receive the authorization from gift recipients to view the electronic gift list and buy the gifts for them. *6/7/07 Office Action*, p. 4. However, it is respectfully submitted that a user authorization is not required for other people to review the gift registry/list of Kraemer. The list is reviewable by any person who can properly identify the user, by answering a series of questions in a question and answer form. *Kraemer* at col. 6, ll. 34-41. The Applicant is not suggesting that the question and answer forms must relate specifically to the gift-giver or the gift-recipient in order to be considered a user authorization, as the Examiner suggests. *8/22/07 Advisory Action*, p. 2. Rather, the Applicant argues that Kraemer does not teach or suggest that the *user* indicates any authorization. The enhanced functionality server 100 of Kramer uses a series of questions and answers to make sure that the gift-giver is accessing the proper recipient's gift registry. *Kraemer* at col. 6, ll. 34-41. The enhanced functionality server 100 may use this identification process regardless of whether the user indicates any authorization at all. This process exists for the gift-givers benefit, whereas a user authorization would exist for the gift-recipient's benefit.

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Therefore, it is respectfully submitted that Kraemer does not teach or show *"receiving a user authorization for a group of people to remotely review the list, the reviewing performed using at least one remote computing device,"* as recited in claim 1. It is respectfully submitted that Ogasawara does not cure this deficiency.

Accordingly, it is respectfully submitted that neither Kraemer nor Ogasawara, either alone or in combination render claim 1 obvious. Therefore, it is respectfully requested that the rejection of claim 1 be reversed. Because claims 2, 5, 7 and 8 depend from and include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Similarly, claim 9 recites a method for purchasing goods, including services, from multiple merchants, the method comprising "receiving, on a user computing device, a user's selections of first and second goods for purchase on respective first and second websites; receiving payment for the first and second goods through the second website with one transaction from the user's perspective; generating an electronic receipt for the transaction, the receipt including a line item corresponding to a purchase record for each of the first and second goods; and storing the electronic receipt in 'a remote database for later retrieval, *wherein the user may select the line items using the user computing device and then store the selection in the remote database, thereby authorizing a group of users to retrieve the line items, the retrieval performed using at least one remote computing device.*"

For at least the same reasons as discussed above in regard to claim 1, it is respectfully submitted that the final rejection of claim 9 should be reversed. Because claims 10, 12, 14 and 15 depend from and therefore include all of the limitations of claim 9, it is respectfully submitted that these claims are also allowable.

Claim 16 recites a system for manipulating receipt data, the system comprising "a first e-merchant stored in a first computing device and operable to generate an electronic receipt, wherein the electronic receipt includes a record of a first purchase transaction; a data farm stored in a memory coupled to the first e-merchant and configured to store the electronic receipt; and *a shopping service stored in a second computing device coupled to the data farm and configured to*

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retrieve the electronic receipt for a consumer and allow the consumer to remotely select a line item from the transaction record, thereby creating a review list stored on the data farm after the selection is made, wherein the shopping service enables the consumer to authorize one of a group of people to remotely review the list, the reviewing performed using at least one remote computing device."

For at least the same reasons as discussed above in regard to claim 1, it is respectfully submitted that the final rejection of claim 16 should also be reversed. Since claim 17 depends from and includes all of the limitations of claim 16, it is respectfully submitted that this claim is also allowable.

Claim 18 recites a computer program product for manipulating receipt data comprising a program module including instructions directing a processor to *"select a first line item from a first electronic receipt, wherein the first electronic receipt includes a record of a purchase transaction; store the selected first line item in a remote storage location after the selection is made, to form a list; and receive a user authorization for a group of people to remotely review the list, the reviewing performed using at least one remote computing device."*

For at least the same reasons as discussed above in regard to claim 1, it is respectfully submitted that the final rejection of claim 18 should also be reversed. Because claim 19 depends from and includes all of the limitations of claim 18, it is respectfully submitted that this claim is also allowable.

II.   The Rejection of Claim 6 Under 35 U.S.C. § 103(a) As Obvious
        Over Kraemer in View of Ogawara and Further in View of
        Brinkerhoff Should Be Reversed

        A.   The Examiner's Rejection

In the Final Office Action, claim 6 was rejected under 35 U.S.C. § 103(a) as obvious over Kraemer in view of Ogaswara and further in view of Brinkerhoff. *6/7/07 Office Action*, p. 8. The Examiner states that Kraemer and Ogasawara teach all of the limitations of claim 2, from which claim 8 depends, but does not teach commenting on the list. *Id.* The Examiner cites

- 9 -

Brinkerhoff to cure this deficiency. *Id.*

B.   The References Do Not Disclose Receiving a User
Selection of a Fist Line Item From an Electronic
Receipt and Receiving a User Authorization for
Group of People to Remotely View the List, as
Recited In Independent Claim 1

Brinkerhoff describes a review collection system for collecting reviews of goods and
services. *Brinkerhoff*, col. 3, lines 56 - 58. The system provides purchasers with requests to
provide a review for a purchased item or service a predetermined amount of time after the item
was purchased or delivered. *Id.* at col. 4, lines 3 - 8.

It is respectfully submitted that Brinkerhoff does not cure the deficiencies left by Kramer
in view of Ogaswara, as discussed above in regard to the § 103(a) rejection of claim 1, the base
claim of claim 6. Specifically, Brinkerhoff does not teach or suggest *"receiving, on a user
computing device, a user seelction of a first line item from a first electronic receipt stored on a
remotely located data farm, thereby forming an electronic list, wherein the first electronic
receipt includes a record of a first purchase transaction"* and *"receiving a user authorization for
a group of people to remotely review the list, the reviewing performed using at least one remote
computing device,"* as recited in claim 1. Because claim 6 depends from and includes all of the
limitations of claim 1, it is respectfully submitted that the rejection of claim 6 should be reversed.

III.   The Rejection of Claim 13 Under 35 U.S.C. § 103(a) as Obvious
Over Kraemer in View Of Ogasawara and Further in View of the
Article Should Be Reversed

A.   The Examiner's Rejection

In the Final Office Action, claim 13 was rejected under 35 U.S.C. § 103(a) as obvious
over Kraemer in view Ogasawara and further in view of the Article. *6/7/07 Office Action*, p. 8.
The Examiner states that Kraemer in view of Ogasawara discloses the invention substantially as
claimed, but does not disclose that the advertisement is displayed while paying. *Id.* at p. 9. The
Examiner cites the Article to cure this deficiency.

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B.　　The References Do Not Disclose Storing a User
Selection of a Line Items From an Electronic
Receipt and Receiving and Authorizing a Group of
People to Remotely Retrieve the List, as Recited In
Independent Claim 9

It is respectfully submitted that the Article does not cure the deficiencies of Kraemer and Ogasawara, and that neither Kraemer nor Ogasawara, nor the Article, either alone or in combination, discloses or suggests "storing the electronic receipt in a remote database for later retrieval, *wherein the user may select the line items using the user computing device and then store the selection in the remote database, thereby authorizing a group of users to retrieve the line items, the retrieval performed using at least one remote computing device,*" as recited in claim 9. Because 13 depends from, and, therefore include the limitations of claim 9, it is respectfully submitted that this claim is also allowable.

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8.   Conclusion

For the reasons set forth above, Appellants respectfully request that the Board reverse the final rejections of the claims by the Examiner under 35 U.S.C. § 103(a) and indicate that claims 1, 2, 5-10 and 12-19 are allowable.

Respectfully submitted,

Date: November ⟍⟋ , 2007

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Serial No.: 09/663,069
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Attorney Docket No.: 40116 - 05701

CLAIMS APPENDIX

1. (Previously presented) A method for manipulating receipt data, the method comprising:
 receiving, on a user computing device, a user selection of a first line item from a first electronic receipt stored on a remotely located data farm, thereby forming an electronic list, wherein the first electronic receipt includes a record of a first purchase transaction;
 transmitting the selection to the data farm;
 storing the list on the data farm after the selection is made; and
 receiving a user authorization for a group of people to remotely review the list, the reviewing performed using at least one remote computing device.

2. (Original) The method of claim 1, further comprising the step of
 reviewing the list, the reviewing performed by one of the group of people.

3. (Canceled)

4. (Canceled)

5. (Previously presented) The method of claim 2, further comprising the step of
 receiving, at one of a consumer and a shopping-service coupled to the data farm, an order selection from the one of the group of people for the first line item.

6. (Original) The method of claim 2, wherein the step of reviewing comprises viewing and commenting on the list.

7. (Previously presented) The method of claim 1, further comprising the step of
 receiving, on the user computing device, a user selection of a second line item from the first electronic receipt and adding that second line item to the list.

8. (Previously presented) The method of claim 1, further comprising the step of
 receiving, on the user computing device, a user selection of a second line item from a second electronic receipt, wherein the second electronic receipt includes a record of a second

- 13 -

purchase transaction, and adding that second line item to the list.

9. (Previously presented) A method for purchasing goods, including services, from multiple merchants, the method comprising:

receiving, on a user computing device, a user's selections of first and second goods for purchase on respective first and second websites;

receiving payment for the first and second goods through the second website with one transaction from the user's perspective;

generating an electronic receipt for the transaction, the receipt including a line item corresponding to a purchase record for each of the first and second goods; and

storing the electronic receipt in a remote database for later retrieval, wherein the user may select the line items using the user computing device and then store the selection in the remote database, thereby authorizing a group of users to retrieve the line items, the retrieval performed using at least one remote computing device.

10. (Original) The method of claim 9, wherein the step of paying comprises automatically placing first and second orders for the first and second goods with the respective first and second websites.

11. (Canceled)

12. (Previously presented) The method of claim 10, further comprising the step of retrieving, using the user computing device, the electronic receipt.

13. (Previously presented) The method of claim 10, further comprising the step of presenting an advertisement on the user computing device during the step of paying.

14. (Previously presented) A method according to claim 1, further comprising: generating the first electronic receipt as a result of a first purchase transaction at a first merchant.

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15. (Previously presented) A method according to claim 8, further comprising:

  generating the first electronic receipt as a result of a first purchase transaction at a first merchant; and

  generating the second electronic receipt as a result of a second purchase transaction at a second merchant.

16. (Previously presented) A system for manipulating receipt data, the system comprising:

  a first e-merchant stored in a first computing device and operable to generate an electronic receipt, wherein the electronic receipt includes a record of a first purchase transaction;

  a data farm stored in a memory coupled to the first e-merchant and configured to store the electronic receipt; and

  a shopping service stored in a second computing device coupled to the data farm and configured to retrieve the electronic receipt for a consumer and allow the consumer to remotely select a line item from the transaction record, thereby creating a review list stored on the data farm after the selection is made, wherein the shopping service enables the consumer to authorize one of a group of people to remotely review the list, the reviewing performed using at least one remote computing device.

17. (Previously presented) A system for manipulating receipt data according to claim 16, further comprising:

  a second e-merchant stored in a third computing device coupled to the data farm and operable to generate a second electronic receipt, wherein the second electronic receipt includes a record of a second purchase transaction, the data farm further configured to store the second electronic receipt; and the shopping service further operable to retrieve the first and second electronic receipts.

18. (Previously presented) A computer program product for manipulating receipt data comprising a computer readable memory and a program module, the program module including instructions directing a processor to:

  select a first line item from a first electronic receipt, wherein the first electronic receipt includes a record of a purchase transaction;

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store the selected first line item in a remote storage location after the selection is made, to form a list; and

receive a user authorization for a group of people to remotely review the list, the reviewing performed using at least one remote computing device.

19. (Previously presented) A computer program product according to claim 18, wherein the program module further includes instructions directing a processor to:

receive a user selection of a second line item from a second electronic receipt, wherein the second electronic receipt includes a record of a purchase transaction, and adding that second line item to the list.

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EVIDENCE APPENDIX

No evidence has been entered or relied upon in the present appeal.

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RELATED PROCEEDING APPENDIX

No decisions have been rendered regarding the present appeal or any proceedings related thereto.

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